

ORIGINAL

KELDEN B.A. WALTJEN 9686
Prosecuting Attorney
County of Hawai'i
655 Kilauea Avenue
Hilo, Hawai'i 96720
Tel. No. 961-0466

Attorney for State of Hawai'i

Electronically Filed
THIRD CIRCUIT
3FFC-23-0000198
25-APR-2023
03:37 PM
Dkt. 1 IND

IN THE FAMILY COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I

vs.

ELLY ODETTE MERCER,

Defendant.

INDICTMENT
(Kona)

INDICTMENT

The Grand Jury charges:

COUNT 1 (C23-04039/KN; 23-031955)

On or about the 31st day of March, 2023, in the County and State of Hawai'i, ELLY ODETTE MERCER did intentionally, knowingly or recklessly physically abuse Ryan Thompson, a family or household member, and the physical abuse occurred in the presence of a minor, A.T. (9 years old), who is a family or household member less than fourteen years of age, thereby committing the offense of Felony Abuse of Family or Household Member, in violation of Sections 709-906(1) and (10), Hawai'i Revised Statutes, as amended.

COUNT 2 (C23-04042/KN; 23-031955)

On or about the 31st day of March, 2023, in Kona, County and State of Hawai'i, ELLY ODETTE MERCER did intentionally, knowingly or recklessly physically abuse Ryan

Thompson, a family or household member, when she bit him, thereby committing the offense of Abuse of Family or Household Member, in violation of Section 709-906(1), Hawai‘i Revised Statutes, as amended.

COUNT 3 (C23-04043/KN; 23-031955)

On or about the 31st day of March, 2023, in Kona, County and State of Hawai‘i, ELLY ODETTE MERCER did intentionally, knowingly or recklessly physically abuse Ryan Thompson, a family or household member, when she struck him with her hand or hands, thereby committing the offense of Abuse of Family or Household Member, in violation of Section 709-906(1), Hawai‘i Revised Statutes, as amended.

The above referenced statutes contain certain terms that have statutory definitions and which are included for clarity as follows:

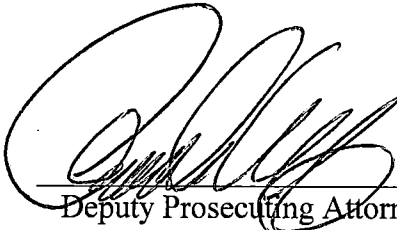
“Family or household member” means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

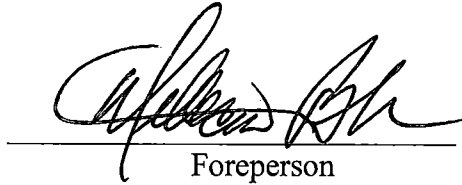
“Dating relationship” means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

“In the presence of a minor” means in the actual physical presence of a child or knowing that a child is present and may hear or see the offense.

Dated: Kailua-Kona, Hawai‘i, April 24, 2023.

A TRUE BILL



Deputy Prosecuting Attorney
County of Hawai‘i

Foreperson